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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,285	04/21/2004	Hironori Minagawa	00684.003627	6387
5514	7590	06/21/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			GRAINGER, QUANA MASHELL	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

**Office Action Summary**

Application No.

10/828,285

Applicant(s)

MINAGAWA ET AL.

Examiner

Quana M. Grainger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 6-2-2004 and 4-21-2004 was considered by the examiner.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show that the developer discharge opening is directed upward when detecting the remaining amount of developer in the container as described in the specification and claims. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet"

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or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Title*

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

*Specification*

4. The disclosure is objected to because it contains several informalities. For example, page 6, line 8; line 10, line 11; page 19, line 4. Please include the word “weight” at least once in the specification in reference to the weight percentage of the carrier. Appropriate correction is required.

*Claim Objections*

5. Claims 4, 6-7, and 9-14 are objected to because they contain non-idiomatic English. Claims 4 and 8, lines 4 and 7; claim 6, line 3; claim 9, lines 1-7; and claim 12, lines 1-7 for example. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishikawa et al (6,336,020). The developer supply container by Ishikawa et al. detachably mountable to an image forming apparatus, comprises a container body for containing developer, a discharge opening, disposed at a peripheral surface of said container body, for permitting discharge of the developer therefrom, feeding means for feeding the developer toward said discharge opening by rotation of said container body, and detection means for detecting an amount of the developer remaining in said container body, wherein said detection means has a detection area which at least partially overlaps said discharge opening as seen in a direction perpendicular to a longitudinal direction of said developer supply container (Figures 10-11, 15). The developer supply container further comprises a pair of guide means disposed at an inner surface of said container body so that they are closer to each other as the developer is guided toward said discharge opening, and the detection area of said detection means is disposed in an area in which the developer is collected by said pair of guide means (Figure 11; guides 70b and 71e). The container wherein one of said pair of guide means is disposed so as to guide developer located between said discharge opening and one end of said developer supply container in a longitudinal direction of said developer supply container toward said discharge opening, and the other guide means is disposed so as to guide developer located between said discharge opening and the other end of said developer supply container in the longitudinal direction toward said discharge opening (Figure 15). The detection means comprises a light transmission member for guiding light from a light emitting element provided to the image forming apparatus to said detection

area and guiding the light from said detection area to the light emitting element provided to the image forming apparatus (Figures 15-16).

Ishikawa et al. teaches a developer supply container detachably mountable to an image forming apparatus, comprising a container body for containing developer, a discharge opening, disposed at a peripheral surface of said container body, for permitting discharge of the developer therefrom, a pair of guide means disposed, at an inner surface of said container body, for guiding developer by rotation of said container body, so that they are close to each other toward downstream with respect to movement of the developer, and detection means for detecting an amount of the developer remaining in said container body, wherein said detection means has a detection area disposed close to an area in which the developer is collected by said pair of guide means (Figures 10-11). The developer supply container further comprises a pair of guide means 71e is disposed close to said discharge opening.

Ishikawa et al. teaches a developer supply container which is detachably mountable to an image forming apparatus including a developer receiving container provided with a developer receiving opening and a rotation member and is held by the rotation member together with the developer receiving container to permit revolution, comprising a container body, a developer discharge opening disposed at a peripheral surface of said container body, for permitting discharge of developer therefrom, feeding means for feeding the developer in the container body toward said developer discharge opening communicating with the developer receiving opening by revolution, and detection means for detecting a remaining amount of the developer in the container body when said developer discharge opening is directed upward, wherein said detection means has a detection area disposed close to a position opposite to said developer

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discharge opening (Figure 15, shows the opening in the non-discharging position). The detection means has a detection area disposed close to a position where the developer enters from said developer receiving container (Figure 15).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. in view of Sundquist. Ishikawa et al. does teach that the developer in the container body contains 5-30 wt. % of a carrier.

Sundquist teaches developer in the container body contains 5-30 wt. % of a carrier (column 8, lines 27-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Sundquist with the developer supply container of

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Ishikawa et al. since Ishikawa et al. does not teach a carrier percentage and Sundquist teaches a conventional percentage for carrier in a developer supply container.

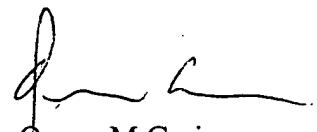
***Contact Information***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quana M. Grainger whose telephone number is 571-272-2135.

The examiner can normally be reached on 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on 571-272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Quana M Grainger  
Primary Examiner  
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QG